

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KATHERINE PEPE, PATRICIA DONADIO,
and JUNE VONDERCHECK, on behalf of
themselves and all others similarly situated,

Plaintiffs,

- against -

4E BRAND NORTH AMERICA, LLC,

Defendant.

Case No. 7:20-cv-06494-VB

**DEFENDANT 4E BRANDS NORTH AMERICA LLC'S
NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Peter T. Shapiro, the exhibits attached thereto, the Memorandum of Law, and all pleadings and proceedings heretofore had herein, the undersigned will move this Court, at the Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, NY 10601, Courtroom 620, before the Honorable Vincent L. Briccetti, on a date to be determined by the Court, for an Order: (a) granting 4e Brands North America, LLC's Motion to Dismiss the Complaint with prejudice and without leave to replead pursuant to F.R. Civ. P. Rule 12(b)(6) and granting such other and further relief as is just and proper.

Dated: New York, New York
November 10, 2020

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Peter T. Shapiro

Peter T. Shapiro
77 Water Street, Suite 2100
New York, New York 10005
212.232.1300

Peter.shapiro@lewisbrisbois.com

Eric Kizirian (to be admitted *pro hac vice*)
633 W. 5th Street, Suite 4000
Los Angeles, CA 90071

*Attorneys for Defendant 4E BRANDS NORTH
AMERICA, LLC*

CERTIFICATE OF SERVICE

I Peter T. Shapiro, an attorney duly admitted to practice before this Court, certifies that on November 10, 2020, I caused the within Notice of Motion to Dismiss to be filed and served by ECF.

/s/Peter T. Shapiro

Peter T. Shapiro